

1 THE HONORABLE JOHN C. COUGHENOUR  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ROBERT HAROLD SMITH,

14 Defendant.

CASE NO. CR17-0085-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.  
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Defendant's motion for an order directing the  
18 government to review its personnel files for *Brady* material pursuant to *U.S. v. Henthorn*, 931  
19 F.2d 29, 30–31 (9th Cir. 1991) (Dkt. No. 101). There is no disagreement about whether the  
20 government should gather this information and disclose it to the defense. (*See* Dkt. No. 103.)  
21 Therefore, the Court GRANTS Defendant's motion.

22 The Court is troubled by the filing of this motion, in the absence of any basis to believe  
23 that the Government is not in fact complying with its disclosure obligations, much less an actual  
24 request for the Government to provide such information. The Local Rules expressly require the  
25 parties to confer and attempt to solve disputed discovery issues before placing the issue before  
26 the Court. Going forward, the Court will only consider motions by Defendant in conformity with

## the Local Rules.

DATED this 10th day of January 2018.

William M. McCool  
Clerk of Court

s/Tomas Hernandez  
Deputy Clerk